

Hearing Preparation in Contentious Procedure

Abstract

Hearing preparation is a key phase of civil proceedings, in which the judge, with the assistance of the parties, shall prepare the hearing effectively and consistently and subsequently takes a decision pursuant to Section 114a(1) of Act No. 99/1963 Coll., Code of Civil Procedure, as amended, at a single hearing.

The aim of this diploma thesis is to carry out a comprehensive analysis of valid and effective legal regulations concerning the preparation of a hearing in contentious procedure in the Czech Republic. To fulfill this goal, this thesis is divided into six chapters. The first chapter defines the concept of hearing preparation and formulates its objectives. For the sake of clarity, hearing preparation is divided into two levels, namely the hearing preparation in terms of its form and the hearing preparation in terms of its material, the so-called proper hearing preparation. These two levels are also described in the first chapter. The second chapter briefly outlines the development of the Czech legislation on hearing preparation, paying particular attention to two important amendments to the Code of Civil Procedure, which have a common objective to strengthen the stage of hearing preparation. The third chapter introduces the individual basic principles of the civil process, firstly the partial principles of the right to a fair trial, which are crucial for the proper functioning of the judiciary in a democratic rule of law, and then procedural principles, which determine the nature of the civil process. The individual principles define how they are applied at the stage of hearing preparation. The main chapter of this thesis is the fourth chapter, which analyzes the various instruments used by the court in the course of its proper hearing preparation, paying attention in particular to the institute of qualified call for response and the institute of a preliminary hearing. The fifth chapter introduces legal regulations on hearing preparation in the Slovak Republic. This chapter also contains a comparison of the Slovak legal regulations on hearing preparation with the current domestic legal regulations. The sixth chapter is devoted to the evaluation of the current domestic legislation on hearing preparation and also to the evaluation of hearing preparation contained in the draft of the new Civil Procedure Code, which should replace the current Code of Civil Procedure. Last but not least, the conclusion of the sixth chapter sets out considerations *de lege ferenda* concerning hearing preparation.

Keywords: **Hearing preparation, Qualified call for response, Preliminary hearing**